

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 13, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-30543  
Summary Calendar

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PATRICK JOSEPH TURNER, ET AL.,

Plaintiffs,

v.

MURPHY OIL USA, INC.,

Defendant–Appellee,

v.

WAYNE J. DUCHMANN,

Movant–Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:05-CV-4206

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Before KING, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:\*

Wayne Duchmann appeals the district court’s denial of his motion for a preliminary injunction. Duchmann’s motion sought to enjoin the sale of a fire

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

station in St. Bernard Parish due to alleged violations of state law and the district court's previous orders. Because the sale of the fire station has already occurred, Duchmann's appeal is moot.<sup>1</sup> "[W]e simply cannot enjoin that which has already taken place."<sup>2</sup> Accordingly, we dismiss the appeal as moot and deny Duchmann's other pending motions.

DISMISSED.

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<sup>1</sup> See *Seafarers Int'l Union of N. Am. v. Nat'l Marine Servs., Inc.*, 820 F.2d 148, 151-52 (5th Cir. 1987) ("[O]nce the action that the plaintiff sought to have enjoined has occurred, the case is mooted because 'no order of this court could affect the parties' rights with respect to the injunction we are called upon to review.'" (quoting *Marilyn T., Inc. v. Evans*, 803 F.2d 1383, 1384 (5th Cir. 1986))), *abrogated on other grounds by Litton Fin. Printing Div. v. NLRB*, 501 U.S. 190 (1991).

<sup>2</sup> *Harris v. City of Houston*, 151 F.3d 186, 189 (5th Cir. 1998).